

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 771 of 2005

Between:

Andhra Pradesh Poor Family's Sanskema

Sangham, represented by its Founder &

President Sri Nanduri Jairaju. .. PETITIONER

AND

1 The Government of Andhra Pradesh Rep. by its Secretary,

Revenue (Assignment) Secretariat Bldgs, Hyderabad.

2 The District Collector, Guntur.

3 The Revenue Divisional Officer, Tenali, Guntur district.

4 The Mandal Revenue Officer, Tenali, Guntur district.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a writ of mandamus, declaring the action on the part of the respondents as illegal and ultra vires to the provisions of Articles 14 and 21 of the Constitution of India besides directing the respondents to take appropriate action to allot the house sites to the members of the petitioner society in the Distribution Programme Scheduled on 26.1.2005 or any other date.

Counsel for the Petitioner: Mr.V.S.R.ANJANEYALU

Counsel for the Respondents: G.P. FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a direction to the respondents to allot house site pattas to the members of the petitioner society.

The learned counsel for petitioner submits that the members of the petitioner society belongs to weaker sections of the society and are landless poor and they have made several representations to the respondents for assignment of pattas in their favour. He submits that the respondents 3 and 4 have also enquired about the eligibility of the members of petitioner society for grant of house site pattas. He further submits that the Joint Collector had also directed the third respondent for issuance of house site pattas to the members of the petitioner society, if they are otherwise eligible. It is alleged that respondents, without granting house site pattas to the members of the petitioner association and some other eligible persons, are granting the same to ineligible persons, which gave rise to filing of the present writ petition.

Granting of pattas and assignment of poramboke land to the landless poor or encroachers thereof are within the exclusive domain of Revenue Officials, and they can generally be granted in accordance with the policy decision of the Government after considering the ground realities namely, availability of suitable land, social status, eligibility criteria and economical condition of the beneficiary and conducting necessary enquiry in accordance with the procedure contemplated under law.

However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondent authorities that if any pattas are being granted to eligible persons, the case of the members of the petitioner association shall also be considered in accordance with law keeping in view the above eligibility criteria.

The writ petition is accordingly disposed of at the admission stage.

N. V. RAMANA, J

January 25, 2005

DA

To

1 The Secretary, Revenue (Assignment) Government of Andhra Pradesh

Secretariat Bldgs, Hyderabad.

2 The District Collector, Guntur.

3 The Revenue Divisional Officer, Tenali, Guntur District.

4 The Mandal Revenue Officer, Tenali, Guntur District.

5 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two C.D. Copies.